

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-346 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objections.
For hearing of main case.
For orders on stay application.

08-09-2026

Mr. Wali Muhammad Khoso, advocate for the applicants.
Mr. Mumtaz Ali Khushk, advocate for respondents No.4.
Mr. Irfan Ali Talpur, Deputy Prosecutor General.

The eight (08) proposed accused are aggrieved by the order dated 10.06.2026 passed by the Additional Sessions Judge/Ex-Officio Justice of Peace, Hala, in Criminal Miscellaneous Application No.548 of 2026, which was filed by Sht. Shabano w/o Aerio, respondent no.4/complainant, against the aforesaid proposed accused/applicants.

Counsel for the applicants/proposed accused has argued that the alleged incident of 17.04.2026, as agitated by respondent No. 4/complainant Shabano in Criminal Miscellaneous Application No. 548 of 2026, is fake, false, and fabricated. He has taken the Court through the police report filed by the concerned SHO, which was also available with the Ex-Officio Justice of Peace, and which contradicts the allegations/averments concerning the incident of 17.04.2026 as alleged by the respondent no.4/complainant in the memo of the cr. misc. appln. decided by the Ex-Officio Justice of Peace. He contended that the complaint filed by respondent No.4 was a counterblast to the police protection order obtained earlier by Sh.Daki wd/o Bano Bheel against, among others, Sht. Jhabo/Shabano wd/o Erio Bheel, respondent No.7 in Criminal Miscellaneous Application No.508 of 2026, which was decided on 14.05.2026.

Counsel for respondent No.4/complainant has vehemently opposed the contentions of the applicants/proposed accused. He submits that in the circumstances the information concerning the incident of 17.04.2026 was available before the Ex-Officio Justice of Peace, and the incident, involving the death of the husband of Shabano called for at least the recording of statement, as there was no denial of the incident having taken place. Therefore, the impugned order dated 10.06.2026 requires no intervention and is liable to be upheld.

Learned DPG has supported the impugned order dated 10.06.2026 and contends that the Criminal Miscellaneous Application which is before this (High) Court is liable to be dismissed.

Heard learned counsel for the parties. I have gone through the impugned order dated 10.06.2026. As per law, any person who has information of an offence having been committed is entitled under law to provide information to the Police Station of the alleged crime. In the circumstances, based on the material available before this bench, tentatively, there appears to be information to trigger the provisions of Sections 22-A & B CrPC. In this regard, once information is provided to the Law Enforcement Agency, it is up to the police officer to determine whether any offence is disclosed and, if so, whether it is cognizable or non-cognizable. The CrPC and Police Rules provide ample guidance to police officers in either situation, including where false information has been provided. In the circumstances, at a bare minimum, the alleged incident of 17.04.2026 calls for recording the complainant's statement. Of course, the police officer concerned is expected to apply his own mind and, in accordance with the law, in terms of the information gathered. In this case as well, the concerned police officer is expected to behave in a neutral, professional, and competent manner and not arrest any person without evidence of culpability. The proposed accused apprehend that with the directions for recording of statement the matter will lead to automatic registration of FIR, however such views are misconceived given the jurisprudence laid down by the Supreme Court of Pakistan in several judgments including but not limited to case of Syed Qamber Ali Shah Versus Province Of Sindh and others (2024 SCMR 1123) (in particular paragraph No.6 of the said reported judgment). It is clarified that the SHO shall conduct the process in a fair, neutral, professional, and competent manner and shall not arrest any person without evidence of his culpability.

In view of the above, this Criminal Miscellaneous Application stands dismissed along with the pending application.

J U D G E

Irfan Ali